

HR Weekly Podcast
10-01-2014

Today is October 1, 2014, and welcome to the HR Weekly Podcast from the State Human Resources Division. This week's topic discusses a recent South Carolina Court of Appeals ruling concerning a Workers' Compensation Commission decision.

In March 2010, Mr. Neal Beckman was injured while working for Sysco Columbia, LLC, as a delivery driver. Mr. Beckman indicated in his Workers' Compensation Form 50 that he injured his back, buttocks, both legs, and his right foot. Sysco admitted Mr. Beckman's back injury, but denied his other injuries. Subsequently, Sysco provided Mr. Beckman with authorized medical care and treatment.

In March 2012, Sysco requested to terminate temporary compensation and have an award made for permanent disability for Mr. Beckman because Sysco contended Mr. Beckman had reached maximum medical improvement. The Workers' Compensation Commissioner who reviewed Mr. Beckman's case ordered Sysco to pay a lump sum payment to Mr. Beckman representing compensation for 35% permanent loss of the back. This ruling limited Mr. Beckman's total benefit to less than the maximum 500 weeks available under the loss of earnings approach which is used when a person is deemed partially or totally disabled. Mr. Beckman appealed and the Workers' Compensation Appellate Panel upheld the decision by the commissioner. Mr. Beckman then appealed this decision to the South Carolina Court of Appeals.

In his appeal Mr. Beckman contended that he should have been awarded disability under the loss of earnings capacity rather than as a scheduled member as was determined by the Workers' Compensation Commissioner. Mr. Beckman argued that, while his primary injury was to his back, he also suffered other injuries and was therefore entitled to proceed under the loss of earnings capacity statute.

Appeals of Workers' Compensation Appellate Panel rulings are governed by the South Carolina Administrative Procedures Act which states that the appeals court may reverse or modify the appellate panel's decision if the appellant's substantial rights have been prejudiced because the decision is affected by an error of law or is "clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record." In reviewing the medical information concerning Mr. Beckman's injury, the appeals court found that the Workers' Compensation Appellate Panel's ruling that Mr. Beckman's injury was confined to a scheduled member was not supported by substantial evidence. The court determined that Mr. Beckman's injury included body parts other than his back. Therefore, Mr. Beckman's case was remanded to the Workers' Compensation Commission to determine Mr. Beckman's eligibility for an award amount for compensation for partial disability.

If you have any questions about this topic, please contact your HR Consultant at 803-896-5300. Thank you.